
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SHELLY W., Plaintiff, v. NANCY A. BERRYHILL, Acting Commissioner of Social Security, Defendant.	ORDER ADOPTING REPORT AND RECOMMENDATION Case No. 1:17-cv-39-DB District Judge Dee Benson
--	--

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Paul Warner on August 28, 2018, recommending that the final decision of the Acting Commissioner of Social Security be affirmed. (Dkt. No. 29.) The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Plaintiff filed a timely Objection on September 11, 2018. (Dkt. No. 30.) Defendant responded to Plaintiff's Objection on September 19, 2018. (Dkt. No. 31.)

In her Objection, Plaintiff makes three arguments: 1) that the ALJ failed to properly weigh the medical opinion evidence and failed to properly determine her residual functional capacity; 2) the ALJ failed to properly evaluate her credibility; and 3) the Appeals Council failed to properly consider new evidence, including a decision from the Office of Personnel Management, which found that she was disabled. (Dkt. No. 30.) Each of the arguments made in the Objection was considered and addressed by Magistrate Judge Warner in his Report and Recommendation.

This court has completed a de novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation. The court has also considered the arguments set forth in the Objection. The analysis and conclusion of the magistrate judge are correct and the Report and Recommendation will be adopted.

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED and the Commissioner's decision is AFFIRMED.

DATED this 28th day of September, 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge